

**Minutes of Meeting
Grafton Planning Board
June 25, 2012**

RECEIVED - TOWN CLERK
GRAFTON, MA.

JUL 24 8 54 AM '12 *MAC*

A regular meeting of the Grafton Planning Board was held on June 25, 2012 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Robert Hassinger, Michael Scully and Associate Member Sargon Hanna. Absent from the meeting was Clerk, James Walsh III. Staff present was Town Planner, Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:01 p.m.

ACTION ITEM 1-A - APPROVAL NOT REQUIRED PLAN (ANR 2012-4) ROBIN W. CUTLER - 13 GEORGE HILL ROAD

Mr. Bishop informed the Board that the ANR plan was essentially a land transfer, met all the requirements of approval not required, and recommended the Board approve the plan as submitted.

MOTION by Mr. Hassinger, **SECOND** by Mr. Scully, to approve ANR 2012-4 and to authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 4 to 0.

Chairman Qualey received unanimous consent to take Discussion Item 2-A out of order.

DISCUSSION ITEM 2-A -AFFORDABLE HOUSING TRUST - SUZANNE TERRACE PROPERTY

Edward Prisby, a member of the Affordable Housing Trust, gave a brief overview of lots 11-13 located on Suzanne Terrace and discussed the Trust's plan to partner with Habitat for Humanity to build an affordable housing project in Grafton. Mr. Prisby noted the Town's need for state mandated affordable housing and reviewed the project development plan and the action that will be required by the Planning Board, the Board of Selectmen and Town Meeting, including an opinion prepared from Town Counsel laying out the process for securing the lots for the project. The Board was generally receptive of the plan and Mr. Robbins, stating he was long time supporter of Habitat, noted there was a need for public education on Affordable Housing, which is often misinterpreted by the general public. The Board also unanimously agreed that they should schedule a public hearing, specifically to notify the abutters to the project.

John Carlson, Chair of the Affordable Housing Trust, requested the Board's support for the project and assured the Board that the Trust is aware of what they need to do to promote this project.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to schedule a public hearing regarding lots 11-13 located on Suzanne Terrace for the purpose of promoting the project presented by the Affordable Housing Trust and Habitat for Humanity. **MOTION** carried unanimously 4 to 0.

Chairman Qualey received unanimous consent to return to the Agenda order.

ACTION ITEM 1-B REQUEST FOR PLANNING BOARD DETERMINATION FOR MINOR MODIFICATION TO SPECIAL PERMIT (SP 2007-11) VERIZON WIRELESS – 200 WESTBORO ROAD

Mr. Robbins recused himself due to a conflict of interest.

Present for the request was Attorney Daniel Klasnick representing Verizon Wireless, the operator and tenant of the wireless communications facility tower.

Attorney Klasnick informed the Board that Verizon Wireless was requesting the Board's determination that the replacing of antennas inside the telecommunications tower located at 200 Westboro Road be considered a minor modification. Attorney Klasnick added that the work is typically routine for most wireless communications towers and basically just swapping of existing antennas to allow for different frequencies.

Mr. Hassinger asked if the change will cause coverage to be lost on older bands. Attorney Klasnick noted it will be adding frequencies for 4G coverage, which will not affect the older bands coverage.

Jean Poteete, representing Tuft's University Cummings School and owner of the property on which the telecommunications tower is located, informed the Board that Crown, the tower owner and Verizon Wireless, the tenant, had failed to honor a contractual agreement between all three parties requiring notification of the property owner of any changes to the tower. Ms. Poteete requested the Board deny the request for the minor modification until Crown and Verizon Wireless follow the proper procedures. The Planning Board informed Ms. Poteete that the issue is not their jurisdiction and the problem needs to be worked out between the property owner and tenant. Attorney Klasnick added that Crown will work with the contractual tenant once they get approval from the Planning Board to comply with the tenant contract.

MOTION by Mr. Hassinger to table the request to the next Planning Board meeting. There was no second to the motion. The remaining Board members suggested the issue was out of their jurisdiction, that it is a tenant/landlord dispute and that they should move forward.

MOTION by Mr. Scully, **SECOND** by Mr. Qualey, to determine that the request is a Minor Modification and to move forward. **MOTION** carried 2 to 1 by roll call vote: Scully-aye, Qualey-aye, Hassinger-nay.

MOTION by Mr. Scully, **SECOND** by Mr. Qualey, to approve the request for a Minor Modification as submitted. **MOTION** carried unanimously 3 to 0 by roll call vote: Scully-aye, Hassinger-aye, Qualey-aye.

Mr. Robbins returned to the Planning Board.

SP 2012-6 KEASARGE SOLAR LLC (APPLICANT – TOWN OF GRAFTON (OWNER) – SOLAR POWER GENERATING FACILITY – 21 FOLLETTE STREET

Mr. Robbins read the legal notice and Chairman Qualey opened the public hearing.

Present for the hearing were Richard McCarthy representing Innovative Engineering Solutions, Inc.; Matthew Pearson, Manager of Grafton Water District; Michael Lotti & Glenn McGillicuddy also of Innovative Engineering Solutions, Inc.; Everett Tatelburn & Andrew Bernstein of Kearsarge Solar LLC and Paul Silva.

Mr. McCarthy informed the Board that Kearsarge Solar is proposing to install a solar energy generation facility adjacent to Grafton Water District's existing Follette Street municipal drinking water well for the purpose of generating renewable solar energy. Mr. McCarthy added that the solar energy will be converted to electricity onsite and used to offset the Town of Grafton and the Water District's electricity use. Mr. McCarthy pointed out that because a portion of the work will be located within the 100 foot buffer zone to bordering vegetated wetlands, they filed a NOI with the Conservation Commission and have been issued an Order of Conditions approval, including a favorable review by Graves Engineering on the stormwater calculations. Mr. McCarthy also noted that they have addressed the issues related to the Endangered Species present on this location.

The Board discussed the Fire Department comments regarding the length of the access roadway, whether the width would be adequate for the Fire Department apparatus and whether there would be timely maintenance to keep the access roadway open for all seasons.

Mr. Hassinger noted that he was looking for consistency with regard to the gates, access road and screening/buffering and surety arrangements in light of the other solar farm application currently before the Board. Mr. Hassinger added that he was also looking for the surety framework to be similar to the Northbridge Solar project. Mr. McCarthy pointed out that this project is different from the Northbridge Solar project in that the Town of Grafton and the Grafton Water District receive significant benefits from the project. Mr. Bishop noted that the Northbridge Solar project is waiting for direction from ConEd in New York who is directing the process they will be following through Attorney Antonellis and Town Counsel.

Andrew Bernstein informed the Board that they typically have a standard surety bond that they have put out with other similar projects in which the cost is estimated over 20 years. Mr. Bernstein added that the greatest issue is the cost to build the project and not the removal.

William Jacobsen of 8 Southfield Court inquired as to how the solar facility would work, noted that he felt the project had a lot of merit and that it appeared to have minimal effect on the neighborhood.

Mr. Scully requested that to remain consistent with the previous solar project, the applicant should submit a revised screen & buffering plan with the site line view, especially from the abutter side.

Chairman Qualey appointed Mr. Hanna as a voting member for Special Permit SP 2012-6 since Mr. Walsh is an abutter.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to accept the applicant's written request to continue the public hearing to July 9, 2012 at 7:30 p.m.

The MOTION was withdrawn due to additional input from the audience.

Philip Brooks of 21 East Street stated that the access roadway depicted on the plan is plenty adequate to handle the Fire Department apparatus, noting that he has used the roadway to haul gravel in large dump trucks for Dauphinais in the past.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to accept the applicant's written request to continue the public hearing to July 9, 2012 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

SP 2012-7 GEORGE AOUDE (APPLICANT) – ELIAS AOUDE (OWNER) – 25 EAST STREET – RE-ESTABLISH THE USE OF TWO-FAMILY STRUCTURE DUE TO ABANDONMENT FOR OVER TWO YEARS

Mr. Robbins read the legal notice and Chairman Qualey opened the public hearing.

Present for the hearing was George Aoude.

Mr. Aoude informed the Board that the grandfathered zoning has been lost due to the abandonment of the use for over two years and that he is requesting the Board's approval to re-establish it.

Philip Brooks of 21 East Street stated he was a neighbor and that Mr. Aoude has done a good job with the property in cleaning up the site.

Mr. Aoude added that he will be renting both floors.

Chairman Qualey pointed out that the Police had made a request for the applicant to contact 911 to report the 2 separate addresses for their emergency access records.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the public hearing. **MOTION** carried unanimously 4 to 0.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed. **MOTION** carried unanimously 4 to 0.

CONSIDER DECISION – SP 2012-5 GREGORY MEEKER – 32 BERNARD ROAD

Chairman Qualey appointed Mr. Hanna as a voting member for Special Permit SP 2012-5.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to make favorable findings for F-1 through F-11.

Mr. Robbins amended his motion.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, to make favorable findings for F-1 through F-39.

DISCUSSION: Mr. Robbins noted favorable language should be used for the findings and with the corrections previously noted.

MOTION carried 5 to 0.

WAIVERS

DISCUSSION: Mr. Hassinger stated there was no rationale or explanation as to why the Board is granting the waivers requested.

MOTION by Mr. Hassinger, **SECOND** by Mr. Robbins, to grant the waivers requested with the adjustment to the language as requested. **MOTION** carried unanimously 5 to 0.

DISCUSSION ITEM 2-B – SIGN BY-LAW SUB-COMMITTEE

Chairman Qualey stated that he had met with the Board of Selectmen regarding the sign by-law, noting that they are only interested in looking at the CEVMS and Temporary Signs language for now and would like to mesh the draft revised language with the current by-law and a new draft submitted for the October Town Meeting. Mr. Hassinger noted that the Board of Selectmen had dissolved the Sign By-Law Committee and supported his recommended approach of a Sub-Committee of the Planning Board to work with interested parties to bring something to Town Meeting to be voted upon. Mr. Hassinger suggested the Sub-Committee include himself and Mr. Robbins, who have shown a strong interest in working on this by-law revision. Mr. Scully remarked that he sees a benefit of all the Planning Board members weighing in; including the previous Chair of the Committee, Stephen Qualey, who still has a strong interest in bringing closure to the sign by law revision. Mr. Robbins informed the Board that he has been working on the revision using several drafts of the by-law, and focusing on the electronic temporary signs. Mr. Hassinger suggested a workable group to sit around the table as a sub-committee, but so as not to have a quorum of the Planning Board in the discussion. Mr. Scully added that he was definitely interested on being on the sub-committee also.

MOTION by Mr. Robbins, **SECOND** by Mr. Hassinger, for the Planning Board to form a Sub-Committee of himself and Mr. Hassinger to work with other interested parties to produce a draft of the sign by-law sections to be revised. **MOTION** defeated with 2 to 2 roll call vote: Hassinger-aye; Robbins-aye; Qualey-nay; Scully-nay.

STAFF REPORT

Mr. Bishop informed the Board that there will be a tape of the Mill Village Park ribbon cutting ceremony coming out on Wednesday.

Mr. Bishop reminded the Board that there was also a meeting scheduled for Thursday night at the South Grafton Community House at 7:00 p.m. on the Village Mixed Use.

MINUTES OF PREVIOUS MEETINGS

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to approve the open session minutes of June 25, 2012 as drafted. **MOTION** carried unanimously 5 to 0.

Mr. Robbins suggested that since the motion to create a Sign By-Law Sub-Committee failed, the issue should be placed on the agenda for the next Planning Board meeting.

Mr. Hassinger stated that since his commitments to the Board of Selectmen were not upheld by the Planning Board, they will have to change their plans.

Mr. Robbins stated that he has been working on preparing a draft proposal for the sign by-law and will present it to the Board when it is completed.

MOTION by Mr. Robbins, **SECOND** by Mr. Scully, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:30 p.m.

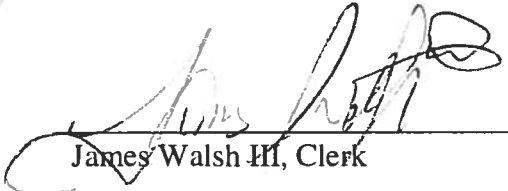
EXHIBITS

- **Action Item 1B: Request for Planning Board determination for Minor Modification to Special Permit (SP 2007-11) Verizon Wireless – 200 Westboro Road**
 - Application for A Minor Modification to Special Permit, 200 Westboro Road, Grafton, MA, Verizon Wireless; submitted by Duval & Klasnick LLC, received June 18, 2012, including the following material:
 - Correspondence, Application for Minor Modification of special Permit, Applicant Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, dated June 18, 2012, 2 pages.
 - Application for Modification of a Special Permit, dated June 18, 2012, 1 page.
 - Statement in Support of Application for Minor Modification of Special Permit, dated June 15, 2012, 13 pages.
 - Exhibit 1: Special Permit Decision, SP 2007-11 & Site Plan Approval; a true copy attest dated February 6, 2008, 11 pages.
 - Exhibit 2: Letter of Authorization; Correspondence from Crown Castle, Global Signal Acquisitions III LLC – Letter of Authorization (LOA), GSA Site Number 875060, 200 Westboro Road, North Grafton; dated May 29, 2012, 1 page.
 - Exhibit 3: Site Drawings; Plan Set, 11" x 17", Verizon Wireless, Grafton North, 200 Westboro Road, North Grafton, prepared by Dewberry Engineers, Inc., Zoning Drawings, dated June 15, 2012, 3 sheets including:
 - T-1: Title Sheet
 - Z-1: Local Plan
 - Z-2: Detailed Site Plan & Elevation
 - Exhibit 4: Antenna Specifications; Vendor Sheet from CSS Antenna, FLG-X7CAP-665, Dual Band Xpol, 65 degrees H-Beams, published August 4, 2011, 1 page.

- Exhibit 5: Structural Analysis; Correspondence from Crown Castel, Structural Analysis Report, 200 Westboro Road, Grafton, Worcester County, MA, Crown Castle Site Name: Tufts; dated June 23, 2012, 5 pages.
- Exhibit 6: RF Exposure Study; Report, Proposed Verizon Wireless personal wireless services panel antennas to be mounted within an existing 100' flagpole-styled monopole located at 200 Westboro Road in Grafton, MA; prepared by Doneld L. Haes, Jr. Radiation Safety Specialist; dated May 29, 2012, 8 pages.
- **Action Item 1C: Consider Decision – Special Permit (SP 2012-5) Gregory Meeker – 32 Bernard Road**
 - Draft Planning Board Decision, dated June 28, 2012, 8 pages.
- **Discussion Item 2A: Affordable Housing Trust – Suzanne Terrace property**
 - Memorandum from the Town Planner, dated June 19, 2012; 1 page.
 - Memorandum from Town Counsel to the Town Planner, Suzanne Terrace Land; dated April 19, 2012; 4 pages.
 - Plan sheet, 8 ½" x 11", Plan to Show Subdivision in Grafton, Mass owned by Francis M. Noel; Worcester District Registry of Deeds Plan Book 322, Plan 84, recorded November 20, 1968; 1 page.
 - Town of Grafton GIS map of the 11 & 13 Suzanne Terrace lots and surrounding environs; 8 ½" x 11", color; no date.
 - Color photographs, 8 ½" x 11", 11-13 Suzanne Terrace, Existing Conditions: June 22, 2012, 2 pages.
 - Color photographs, 8 ½" x 11", Habitat for Humanity – Metrowest / Greater Worcester, sample project work, no date, 3 pages.
- **Item 5: Draft Meeting Minutes**
 - Grafton Planning Board, June 11, 2012 5 pages.
- **Public Hearing 9A – Keasarge Solar LLC (Applicant) – Town of Grafton (Owner) – Application for Special Permit/Site Plan approval for construction of a new 1,529 kw Solar PV Power Generating Facility on property located at 21 Follette Street.**
 - Application for Special Permit, dated May 19, 2012, received May 21, 2012, 1 page.
 - Application for Site Plan Approval, dated May 19, 2012, received May 21, 2012, 1 page.
 - Correspondence for Innovation Engineering Solutions, Inc., Application for Special Permit and Site Plan Approval, Proposed Solar Energy Generation Project, Grafton Water District, 31 Follette Street, Grafton MA; dated and received May 21, 2012; 7 pages.
 - Plan Set, 11" x 17", color, Proposed New 1,529 kW Solar Photovoltaic Power Generating Facility, Preliminary Design – For Permitting Only, prepared by Innovation Engineering Solutions, Inc.; stamped May 18, 2012, received may 21, 2012; including the following sheets:
 - Figure 1: Legend and General Notes

- Figure 2: Exiting Conditions and Proposed Work Area
- Figure 3: Clearing and Grubbing Plan
- Figure 4: Cut & Fill Analysis
- Figure 5: Site Plan
- Figure 6: Construction Details – A, B, C
- Figure 7: Construction Details – D & E
- Figure 8: Construction Details - F
- o Copy of Correspondence from Innovative Engineering Solutions, Inc. to the Grafton Conservation Commission, Notice of Intent – Supplemental Information, DEP File Number: CE 164-0824, Proposed Solar Energy Generation Project, Grafton Water District, 31 Follette Street, Grafton MA; dated and received May 21, 2012; 6 pages; including the following attachments:
 - Revised Design Drawings, May 2012; Pre-Development Drainage Conditions; Post Development Drainage Conditions (2 sheets)
 - TR-55 Worksheet 2, 3 and 4 (one each for Areas 1, 2, and 3, and “All Areas” pre-development.
 - TR-55 Worksheet 2, 3 and 4 (one each for Areas 1, 2, and 3, and “All Areas” post-development.
- o Project Review Memorandum, Conservation Commission, received June 18, 2012, 2 pages.
- o Correspondence from Graves Engineering, Proposed Solar Energy Generation Project, 21 (sic) Follette Street, Site Plan Review; dated and received June 18, 2012, 2 pages.
- o Copy of Correspondence from Graves Engineering to the Grafton Conservation Commission, Proposed Solar Energy Generation Project, 21 (sic) Follette Street, Site Plan Review; dated June 4, 2012, received June 7, 2012; 2 pages.
- o Memorandum from the Town Administrator on behalf of the Board of Selectmen, Special Permit – Keasarge Solar LLC, dated June 6, 2012, received June 7, 2012, 1 page.
- o Project Review Memorandum, Police Department, received May 25, 2012, 2 pages.
- o Correspondence, Grafton Conservation Commission, Order of Conditions Approval w/Special Conditions, DEP #164-824 and Grafton Wetlands Bylaw Permit # 662, dated and received June 21, 2012, 19 pages.
- o Correspondence from the Grafton Fire Department, Ref: Sp 2012-6 Keasarge Solar, dated June 13, 2012, received June 25, 2012, 1 page.
- **Public Hearing 9B – SP 2012-7 George Aoude (Applicant) – Elias Aoude (Owner) – Application for Special Permit/Site Plan approval under ZBL Section 3.4.3.3 for re-establishing the use of a Two-Family structure due to an in-law apartment abandoned for over a period of two years on property located at 25 East Street, North Grafton.**
 - o Application for a Special Permit, dated May 29, 2012, received May 30, 2012, 1 page.

- Application for a Site Plan Approval, dated May 29, 2012, received May 30, 2012, 1 page.
- Project Description / Narrative, prepared by George Aoude, dated May 29, 2012, received May 30, 2012, 1 page.
- List of Waivers Requested, prepared by the Applicant, received May 30, 2012, 3 pages.
- Zoning Determination, prepared by the Grafton Building Inspector, dated January 5, 2012, received May 30, 2012, 1 page.
- Memorandum from the Building Inspector to the Principal Assessor, 25 East Street, North Grafton; dated November 30, 2011; received May 30, 2012, 1 page.
- Map generated from the Town of Grafton GIS system, 8 ½" x 11", color; 25 East Street, North Grafton, dated May 29, 2012; received May 30, 2012; 1 page.
- Plan set, 11" x 17", black & white, 25 East Street, prepared by George Aoude, dated May 28, 2012, received June 5, 2012, 3 sheets including:
 - Untitled; cover sheet – project location.
 - Existing First Floor Plan
 - Existing Second Floor Plan
- Project Review Memorandum, Police Department, received June 4, 2012, 2 pages.
- Correspondence from Alan A. Long, 23 East Street and Philip Brooks, 21 East Street; dated and received June 5, 2012; 1 page.



James Walsh III, Clerk